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## CITY OF ARMADALE

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DOG ACT 1976

### LOCAL LAW RELATING TO DOGS

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BUSH FIRES ACT 1954

### BUSH FIRE CONTROL LOCAL LAW



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## DOG ACT 1976

## CITY OF ARMADALE

## LOCAL LAW RELATING TO DOGS

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the City of Armadale resolved on 2<sup>nd</sup> April 2002 to make the following local law.

## PART 1—PRELIMINARY

**1.1 Citation**

This local law may be cited as the *City of Armadale Local Law Relating to Dogs*

**1.2 Repeal**

The Local-law Relating to Dogs published in the *Government Gazette* on 7 October 1983 as amended, are repealed.

**1.3 Definitions**

In this local law unless the context otherwise requires—

“**Act**” means the *Dog Act 1976*;

“**authorized person**” means a person authorized by the local government to perform all or any of the functions conferred on an authorized person under this local law;

“**CEO**” means the Chief Executive Officer of the local government;

“**local government**” means the city of Armadale;

“**pound keeper**” means a person authorized by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

“**Regulations**” means the *Dog Regulations 1976*;

“**thoroughfare**” has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

“**town planning scheme**” means a town planning scheme made by the local government under the *Town Planning and Development Act 1928* and which applies throughout the whole or a part of the district.

**1.4 Application**

This local law applies throughout the district.

## PART 2—IMPOUNDING OF DOGS

**2.1 Charges and costs**

The following are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

**2.2 Attendance of pound keeper at pound**

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

**2.3 Release of impounded dog**

A claim for the release of a dog seized and impounded is to be made to the pound keeper or an authorised person.

The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—

- (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
- (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

## 2.4 No breaking into or destruction of pound

A person who—

- (a) unless he or she is the pound keeper or a person authorized to do so, releases or attempts to release a dog from a pound; or
  - (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—
    - (i) any pound; or
    - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog,
- commits an offence.

**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

## PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

### 3.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must—

- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
- (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence and all gates and doors in the fence in good order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

**Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

### 3.2 Limitation on the number of dogs

(1) This clause does not apply to premises, which have been—

- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Act.

(2) The owner or occupier of premises within the district shall not, unless the premises are licensed as an approved kennel establishment, or has been granted an exemption in accordance with Section 26(3) of the *Dog Act 1976* or the First Schedule of this Local law, keep or permit to be kept on those premises more than two (2) dogs over the age of three (3) months.

(3) The maximum number of dogs which an owner or occupier may keep is prescribed in the First Schedule of this Local law, subject to—

- (a) The premises complying in all respects with the provisions of the Act and this Local law;
- (b) All dogs being registered in accordance with the Act;
- (c) Notwithstanding the provisions of the First Schedule an owner or occupier of premises may only keep two dogs on those premises if that person or any other person liable for the control of dogs on those premises has been convicted for an offence under the Act on two or more occasions during the twelve months immediately preceding the renewal of the registration; and
- (d) If any part of land comprised within the premises is sold, then immediately the Transfer of Land is registered at the Department of Land Administration, the entitlement to keep dogs shall be calculated in accordance with the area of land remaining after such sale.

(4) A person wishing to keep more than the number of dogs as prescribed in the First Schedule but not greater than six (6) dogs on any premises shall apply for an exemption for those premises under the provisions of Section 26 (3) of the *Dog Act 1976*. Any such application for exemption shall be made in the form of the Third Schedule, and must be lodged with the local government together with the fee for the application for an exemption, referred to in clause 3.3 (1).

The Council may approve an application for exemption in respect of those premises but any such approval—

- (a) shall be made in accordance with Councils' Policy and Procedures relating to dog exemption applications;
- (b) shall not operate or authorize the keeping of more than six (6) dogs on those premises; and
- (c) may be revoked or varied at any time by Council.

### 3.3 Fees

(1) On lodging an application for an exemption, the applicant is to pay a fee to the local government.

(2) The fee referred to in subclauses (1) is to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*.

**PART 4—APPROVED KENNEL ESTABLISHMENTS****4.1 Interpretation**

In this Part and in the Third Schedule—

“**licence**” means a licence to keep an approved kennel establishment on premises;

“**licensee**” means the holder of a licence;

“**premises**”, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

“**transferee**” means a person who applies for the transfer of a licence to her or him under clause 4.14.

**4.2 Application for licence for approved kennel establishment**

An application for a licence must be made in the form of that in Form 1 of the Second Schedule, and must be lodged with the local government together with—

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.10(1).

**4.3 Notice of proposed use**

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.

(2) The notices in subclause (1) must specify that—

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where—

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

**4.4 Exemption from notice requirements**

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a town planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

**4.5 When application can be determined**

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

**4.6 Determination of application**

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;

- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

#### **4.7 Where application cannot be approved**

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

#### **4.8 Conditions of approval**

(1) The local government may approve an application for a licence subject to the conditions contained in Form 2 of the Second Schedule and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Form 2 of the Second Schedule.

#### **4.9 Compliance with conditions of approval**

A licensee who does not comply with the conditions of a licence commits an offence.

**Penalty:** Where a dog involved in the contravention is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.

#### **4.10 Fees**

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*.

#### **4.11 Form of licence**

The licence is to be in the form determined by the local government and is to be issued to the licensee.

#### **4.12 Period of licence**

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed subject to the fee referred to in clause 4.10(2) being paid to the local government prior to the expiry of the licence, and an inspection of the premises, as set out in 4.16 (b).
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

#### **4.13 Variation or cancellation of licence**

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
  - (a) on the request of the licensee;
  - (b) following a breach of the Act, the Regulations or this local law; or
  - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
  - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
  - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

#### **4.14 Transfer**

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
  - (a) made in the form determined by the local government;
  - (b) made by the transferee;
  - (c) made with the written consent of the licensee; and
  - (d) lodged with the local government together with—
    - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
    - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).



(3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.

(4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

#### 4.15 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

#### 4.16 Inspection of kennel

With the consent of the occupier, an authorised person—

- (a) may inspect an approved kennel establishment at any time;
- (b) shall inspect the premises prior to the renewal of a kennel establishment licence.

### PART 5—DOGS IN PUBLIC PLACES

#### 5.1 Places where dogs are prohibited absolutely

(1) Dogs are prohibited absolutely from entering or being in any of the following places—

- (a) where so indicated by a sign, a public building;
- (b) a theatre or picture gardens;
- (c) all premises or vehicles classified as food premises or food vehicles under the *Health (Food Hygiene) Regulations 1993*;
- (d) a public swimming pool; and
- (e) the park owned by the City of Armadale known as Memorial Park, Armadale being portion of Canning Location 31 and being Lots 15, 16, 17, 18, 19 and part of Lots 9, 10, 11 and 12 on Plan 1953 as contained in Certificate of Title, Volume 1041, Folio 884; and
- (f) any of the following Reserves—

Reserve 21152	Seventh Road, Armadale	Gwynne Park
Reserve 41134	Seventh Road, Armadale	Gwynne Park
Lot 21	Forrest Road, Armadale	Gwynne Park
Lot 22	Seventh Road, Armadale	Gwynne Park
Reserve 32347	Dorrigo Road, Armadale	Morgan Park
Lot 197	Dorrigo Road, Armadale	Morgan Park
Lot 30	Challis Road, Armadale	Bob Blackburn
Reserve 24748	Third Avenue, Kelmscott	John Dunn Oval
Reserve 9820	Third Avenue, Kelmscott	John Dunn Oval
Reserve 36728	Third Avenue, Kelmscott	John Dunn Oval
Reserve 44389	Springdale Road, Roleystone	Springdale Park.

(2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

#### 5.2 Places which are dog exercise areas

(1) Subject to clause 5.1 and subclauses (2) and (3), for the purposes of sections 31 and 32 of the Act, the following public places or classes of public places are dog exercise areas—

- (a) all reserves owned by the local government or under the care, control and management of the local government.

(2) Subclause (1) does not apply to—

- (a) land which has been set apart as a children's playground;
- (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use;
- (c) any land or reserve whereby the entry of dogs is limited by a sign stating conditions in relation thereto;
- (d) any road reserve; or
- (e) a car park.

(3) A thoroughfare is not a public place or class of public place which is a dog exercise area.

**PART 6—MISCELLANEOUS****6.1 Offence to excrete**

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

**Penalty:** \$200.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

**PART 7—ENFORCEMENT****7.1 Interpretation**

In this Part—

“**infringement notice**” means the notice referred to in clause 7.3; and

“**notice of withdrawal**” means the notice referred to in clause 7.6(1).

**7.2 Modified penalties**

(1) The offences contained in Fourth Schedule are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Fourth Schedule directly opposite an offence is the modified penalty payable in respect of that offence if—

- (a) the dog is not a dangerous dog; or
- (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Fourth Schedule directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

**7.3 Issue of infringement notice**

Where an authorized person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

**7.4 Failure to pay modified penalty**

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the local government, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

**7.5 Payment of modified penalty**

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the local government, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

**7.6 Withdrawal of infringement notice**

(1) Whether or not the modified penalty has been paid, an authorized person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.

(2) A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

**7.7 Service**

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

*First Schedule*

Premises having a Land Area of	Maximum Number of Dogs Permitted
less than 4,000 square metres	2
4,000 square metres but less than 10,000 square metres	3
10,00 square metres or greater	4

***Second Schedule***  
**SCHEDULE INDEX**

**Form 1: Application for Licence for an Approved Kennel Establishment.**

**Form 2: Conditions of a Licence for an Approved Kennel Establishment.**

FORM 1

**APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

I/we (full name) .....

of (postal address) .....

(telephone number) .....

(facsimile number) .....

(E-mail address) .....

Apply for a licence for an approved kennel establishment at (address of premises) .....

For (number and breed of dogs) .....

\* (insert name of person) ..... will be residing at the premises  
on and from (insert date) .....

\* (insert name of person) ..... will be residing (sufficiently close to  
the premises so as to control the dogs and so as to ensure their health and welfare) at  
..... (insert address of residence) on and from  
..... (insert date).

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside—
  - (i) at the premises; or
  - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as ....., in the keeping of dogs at the proposed kennel establishment.

Signature of applicant .....

Date .....

\* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 27.5 of the Dog Act.

**OFFICE USE ONLY**

Application fee paid on *[insert date]*.

Officer.....

FORM 2

**CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
  - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
  - (ii) 10m from any dwelling; and
  - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;

- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
  - (i) at least 100mm above the surface of the surrounding ground;
  - (ii) smooth so as to facilitate cleaning;
  - (iii) rigid;
  - (iv) durable;
  - (v) slip resistant;
  - (vi) resistant to corrosion;
  - (vii) non-toxic;
  - (viii) impervious;
  - (ix) free from cracks, crevices and other defects; and
  - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
  - (i) 2m; or
  - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorized person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
  - (i) at the premises; or
  - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

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***Third Schedule***

**EXEMPTION APPLICATION TO KEEP MORE THAN TWO DOGS**

I/we (full name) .....

of (postal address) .....

(telephone number) .....

(facsimile number) .....

(E-mail address) .....

Apply for an exemption to keep more than..... dogs at (address of premises)

Lot No:..... Property Size .....

#### DETAILS AND NUMBERS OF DOGS TO BE KEPT

Breed	Age	Sex	Sterilised Y/N
1			
2			
3			
4			
5			
6			

Signature of applicant .....

Date .....

#### OFFICE USE ONLY

Application fee paid on ..... Officer.....

#### *Fourth Schedule*

#### OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorized release of a dog from a pound	200	400
2.4(b)&(c)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	
3.1	Failing to provide means for effectively confining a dog	50	200
4.9	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400
6.1(2)	Dog excreting in prohibited place	40	

Dated this 1st day of July, 2002.

The Common Seal of the City of Armadale was affixed by authority of a resolution of the Council in the presence of—

L. REYNOLDS JP, Mayor.

R. S. TAME, Chief Executive Officer.

**BUSH FIRES ACT 1954**

## CITY OF ARMADALE

**BUSH FIRE CONTROL LOCAL LAW**

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**BUSH FIRES ACT 1954****CITY OF ARMADALE****BUSH FIRE CONTROL LOCAL LAW**

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the City of Armadale resolved on 2<sup>nd</sup> April 2002 to make the following local law.

**PART 1—PRELIMINARY****1.1 Citation**

This local law may be cited as the *City of Armadale Bush Fire Control Local Law*.

**1.2 Definitions**

(1) In this local law unless the context otherwise requires—

“**Act**” means the *Bush Fires Act 1954*;

“**Authority**” means the Fire and Emergency Services Authority of Western Australia established by section 4 of the Fire and Emergency Services Authority of Western Australia Act 1998;

“**brigade area**” is defined in clause 2.2(1)(b);

“**brigade member**” means a fire fighting member, associate member or a cadet member of a bush fire brigade;

“**brigade officer**” means a person holding a position referred to in clause 2.2 (1)(c), whether or not he or she was appointed by the local government or elected at an annual general meeting of a bush fire brigade or otherwise appointed to the position;

“**bush fire brigade**” is defined in section 7 of the Act;

“**Bush Fire Operating Procedures**” means the Bush Fire Operating Procedures adopted by the local government as amended from time to time;

“**CEO**” means the chief executive officer of the City of Armadale;

“**Council**” means the Council of the local government;

“**fire fighting member**” is defined in clause 4.2;

“**local government**” means the City of Armadale;

“**Regulations**” means Regulations made under the Act.

(2) In this local law, unless the context otherwise requires, a reference to—

- (a) a Captain;
- (b) a First Lieutenant;
- (c) a Second Lieutenant;
- (d) any additional Lieutenants;
- (e) an Equipment Officer;
- (f) a Training Officer;
- (g) a Secretary; and
- (h) a Treasurer; or
- (i) a Secretary/Treasurer combined.

means a person holding that position in a bush fire brigade.

**1.3 Repeal**

The Local Laws relating to—

- Establishment, Maintenance and Equipment of Bush Fire Brigades published in the *Government Gazette* of 6 July 1984, as amended by publication in the *Government Gazette* of 6 May 1997; and
- Firebreaks, published in the *Government Gazette* of 29 March 1985;

are repealed.

**1.4 Application**

This local law applies throughout the district.



**PART 2—ESTABLISHMENT OF BUSH FIRE BRIGADES***Division 1—Establishment of a bush fire brigade***2.1 Establishment of a bush fire brigade**

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause (1).

**2.2 Name and officers of bush fire brigade**

- (1) On establishing a bush fire brigade under clause 2.1(1) the local government is to—
- (a) give a name to the bush fire brigade;
  - (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the “**brigade area**”); and
  - (c) appoint—
    - (i) a Captain;
    - (ii) a First Lieutenant;
    - (iii) a Second Lieutenant;
    - (iv) additional Lieutenants if the local government considers it necessary;
    - (v) an Equipment Officer;
    - (vi) a Training Officer;
    - (vii) a Secretary; and
    - (viii) a Treasurer; or
    - (ix) a Secretary/Treasurer combined.
- (2) When considering the appointment of persons to the positions in sub clause (1)(c), the local government is to have regard to the qualifications and experience, which may be required to fill each position.
- (3) A person appointed to a position in sub clause (1)(c) is to be taken to be a brigade member.
- (4) The appointments referred to in sub clause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.
- (5) If a position referred to in sub clause (1)(c) becomes vacant prior to the completion of the first annual general meeting, then the local government is to appoint a person to fill the vacancy in accordance with sub clause (2)

*Division 2—Command at a fire***2.3 Ranks within the bush fire brigade**

- (1) Where under the Act and Bush Fire Operating Procedures members of the bush fire brigade have command of a fire, unless a bushfire control officer is in attendance at the fire, the Captain has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the firefighters. In the absence of the Captain, the first Lieutenant, and in the absence of the first, the second Lieutenant and so on, in the order of seniority determined, is to exercise all the powers and duties of the Captain.
- (2) Where a bushfire control officer is in attendance at a fire which the members of the bush fire brigade have command of under the Act and the Bush Fire Operating Procedures, the most senior bushfire control officer has full control over other persons fighting the fire and is to issue instructions as to the methods to be adopted by the fire fighters.

*Division 3—Transitional***2.4 Existing Bush Fire Brigades**

- (1) Where a local government has established a bush fire brigade prior to the commencement date, then on and from the commencement day—
- (a) the bush fire brigade is to be taken to be a bush fire brigade established under and in accordance with this local law;
  - (b) the provisions of this local law apply to the bush fire brigade.
- (2) In this clause—
- “**commencement day**” means the day on which this local law comes into operation.

*Division 4—Dissolution of bush fire brigade***2.5 Dissolution of bush fire brigade**

- (1) In accordance with section 41(3) of the Act, the local government may cancel the registration of a bush fire brigade if it is of the opinion that the bush fire brigade is not complying with the Act, this local law, the Bush Fire Operating Procedures or is not achieving the objectives for which it was established.

(2) Any funds held by a bush fire brigade when a decision is made to cancel the brigade registration shall be held by Council in trust for a period of three (3) years.

(3) If after this period of time, a brigade is not re-established in the cancelled brigade area, the funds held in trust will be distributed equally to the remaining registered bush fire brigades.

### **2.6 New arrangement after dissolution**

If a local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.

## **PART 3—ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES**

### *Division 1—Local government responsibility*

#### **3.1 Local government responsible for structure**

The Council is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

#### **3.2 Officers to be supplied with Act**

The local government is to supply each bush fire control officer and the captain of each registered bush fire brigade with a copy of the Act, the Regulations, the Bush Fire Operating Procedures, this local law and any other written laws which may be relevant to the performance of the officers' functions, and any amendments which are made thereto from time to time.

### *Division 2—Chief Bush Fire Control Officer*

#### **3.3 Managerial role of Chief Bush Fire Control Officer**

Subject to any directions by the local government the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

#### **3.4 Chief Bush Fire Control Officer may attend meetings**

The Chief Bush Fire Control Officer or her or his nominee (who is to be a bush fire control officer) may attend as a non-voting representative of the local government at any meeting of a bush fire brigade.

#### **3.5 Duties of Chief Bush Fire Control Officer**

The duties of the Chief Bush Fire Control Officer include—

- (a) provide leadership to volunteer bush fire brigades;
- (b) liaising with the local government concerning fire prevention/suppression matters generally and to provide directions issued by the local government to bush fire control officers (including those who issue permits to burn) bush fire brigades or brigade officers;

### *Division 3—Annual general meetings of bush fire brigades*

#### **3.6 Holding of annual general meeting**

A bush fire brigade is to hold its annual general meeting during the month of June each year.

#### **3.7 Nomination of bush fire control officers to Bush Fire Advisory Committee**

At the annual general meeting of a bush fire brigade, one brigade member is to be nominated to the Bush Fire Advisory Committee to serve as the bush fire control officer for the brigade area until the next general meeting.

#### **3.8 Nomination of bush fire control officer to the local government**

If the local government has not established a Bush Fire Advisory Committee, then at the annual general meeting of a bush fire brigade, the bush fire brigade is to nominate one brigade member to the local government to serve as the bush fire control officer for the brigade area until the next annual general meeting.

#### **3.9 Minutes to be tabled before the Bush Fire Advisory Committee**

(1) The Secretary is to forward a copy of the minutes of the annual general meeting of a bush fire brigade, inclusive of the bush fire brigades audited financial statement to the local government within fourteen days after the meeting.

(2) The local government is to table the minutes of a bush fire brigade's annual general meeting at the next meeting of the—

- (a) Bush Fire Advisory Committee; or
- (b) Council, if there is no Bush Fire Advisory Committee,

following their receipt under subclause (1).

### *Division 4—Bush Fire Advisory Committee*

#### **3.10 Functions of Advisory Committee**

The Bush Fire Advisory Committee is to have the functions set out in section 67 of the Act and is to include such number of nominees of the bush fire brigades as is determined by the local government.

**3.11 Advisory Committee to nominate bush fire control officers**

As soon as practicable after the annual general meeting of each bush fire brigade in the district, the Bush Fire Advisory Committee is to advise the local government of the brigade members, from each brigade, who has been nominated for the position of fire control officer, chief bush fire control officer and deputy chief bush fire control officer for the brigade area.

**3.12 Local government to have regard to nominees**

When considering persons for the position of a bush fire control officer, chief bush fire control officer and deputy chief bush fire control officer the local government is to have regard to those persons nominated by the Bush Fire Advisory Committee, but is not bound to appoint the persons nominated.

**3.13 Advisory Committee to consider bush fire brigade motions**

The Bush Fire Advisory Committee is to make recommendations to the local government on all motions received by the Bush Fire Advisory Committee from bush fire brigades.

**PART 4—TYPES OF BUSH FIRE BRIGADE MEMBERSHIP****4.1 Types of membership of bush fire brigade**

The membership of a bush fire brigade consists of the following—

- (a) fire fighting members;
- (b) associate members;
- (c) cadet members; and
- (d) honorary life members.

**4.2 Fire fighting members**

Fire fighting members are those persons being at least 17 years of age who undertake all normal bush fire brigade activities.

**4.3 Associate members**

Associate members are those persons who are prepared to render any assistance to a fire fighting member or the bush fire brigade.

**4.4 Cadet members**

Cadet members are—

- (a) to be aged 11 to 15 years;
- (b) to be admitted to membership only with the consent of their parent or guardian;
- (c) admitted for the purpose of training and are not to attend or be in attendance at an uncontrolled fire or other emergency incident;
- (d) to be supervised by a fire fighting member when undertaking normal brigade activities as defined by paragraphs (c), (d), (e), (f) and (g) of section 35A of the Act;
- (e) ineligible to vote at bush fire brigade meetings;
- (f) not to be assigned ranks under the Authority's rank structure.

**4.5 Honorary life member**

(1) The bush fire brigade may by a simple majority resolution appoint a person as an honorary life member in recognition of services by that person to the bush fire brigade.

(2) No membership fees are to be payable by an honorary life member.

**4.6 Notification of membership**

No later than 31 May in each year, the bush fire brigade is to report to the local government the name, contact details and type of membership of each brigade member.

**PART 5—EQUIPMENT OF BUSH FIRE BRIGADES****5.1 Policies of local government**

The local government may make policies under which it—

- (a) provides funding to bush fire brigades for the purchase of protective clothing, equipment and appliances; and
- (b) keeps bush fire brigades informed of opportunities for funding from other bodies.

**5.2 Equipment in brigade area**

Not later than 31 May in each year, the bush fire brigade is to report to the local government the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the brigade area (or at a station of the bush fire brigade).

**5.2 Funding from local government budget**

A request to the local government from the bush fire brigade for funding of protective clothing, equipment or appliance needs is to be received by the local government by 28 February in order to be considered in the next following local government budget, and is to be accompanied by the last audited financial statement and a current statement of assets and liabilities of the bush fire brigade.

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Dated this 1st day of July, 2002.

The Common Seal of the City of Armadale was affixed by authority of a resolution of the Council in the presence of—

L. REYNOLDS JP, Mayor.

R. S. TAME, Chief Executive Officer.

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